

## **Nuclear Regulatory Commission**

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

### **Subpart 2031.1—Applicability**

#### **2031.109–70 Contract clauses.**

The contracting officer shall insert the clause at 2052.231–70, Precontract Costs, in all cost type contracts when costs in connection with work under the contract will be incurred by the contractor before the effective date of the contract. Approval for use of this clause must be obtained at one level above the contracting officer.

## **PART 2032—CONTRACT FINANCING**

### **Subpart 2032.4—Advance Payments for Non-Commercial Items**

Sec.

2032.402 General.

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

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### **Subpart 2032.4—Advance Payments for Non-Commercial Items**

#### **2032.402 General.**

(a) The contracting officer has the responsibility and authority for making findings and determinations and for approval of contract terms concerning advance payments.

(b) Before authorizing any advance payment agreements, except for subscriptions to publications, the contracting officer shall coordinate with the Office of the Chief Financial Officer, Division of Accounting and Finance, to ensure completeness of contractor submitted documentation.

## **PART 2033—PROTESTS, DISPUTES, AND APPEALS**

### **Subpart 2033.1—Protests**

Sec.

2033.103 Protests to the agency.

## **2033.215**

### **Subpart 2033.2—Disputes and Appeals**

2033.204 Policy.

2033.211 Contract Claims—Contracting officer's decision.

2033.215 Contract clause.

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### **Subpart 2033.1—Protests**

#### **2033.103 Protests to the agency.**

Protests to the agency are first considered by the contracting officer. In accordance with FAR 33.103(d)(4), the protestor may appeal the contracting officer's decision by delivering or providing a written request to the agency Director, Division of Contracts or Property Management, or designee, to conduct an independent review of the Contracting Officer's decision.

### **Subpart 2033.2—Disputes and Appeals**

#### **2033.204 Policy.**

Final decisions of the NRC contracting officer on contract disputes and appeals issued under to the Contracts Disputes Act will be heard by the Department of Energy Board of Contract Appeals (EBCA) under an interagency agreement between the NRC and the Department of Energy. The EBCA rules appear in 10 CFR part 1023.

#### **2033.211 Contract Claims—Contracting officer's decision.**

The contracting officer shall alter the paragraph at FAR 33.211(a)(4)(v) to identify the Energy Board of Contract Appeals and include its address: U.S. Department of Energy, Board of Contract Appeals, HG–50, Building 950, 1000 Independence Ave., SW., Washington, DC 20585, when preparing a written decision.

#### **2033.215 Contract clause.**

The contracting officer shall use the clause at FAR 52.233–1, Disputes, with its Alternate I, where continued performance is vital to national security, the public health and safety, critical and major agency programs, or other